

I. REMARKS

In the Office action, claims 1-15 are rejected as being unpatentable over U.S. Patent 6,315,196 issued to Richard Bachman (Bachman) in view of the article by Lee A. Spier, *When "bad" credit behavior becomes the norm*, Credit World, Jul./Aug. 1997 at 18 (Spier). Applicants respectfully assert that claims 1-15 are patentable over Bachman in view of Spier for the reasons set forth below.

Spier is an article noting the problems credit card issuers have when dealing with cardholders who are delinquent on an account. The Spier article identifies the problem that effective collection requires different strategies to be applied to collect from different cardholders. Spier does not teach how to solve the identified problem. Spier discloses no system or method for negotiating with a cardholder that is delinquent on a credit account. Spier merely identifies the need for the applicants' claimed system.

Bachman is directed to a credit protection program. In the Bachman system, a cardholder who purchases enrollment in the program is not required to pay down credit card debt during specified events such as hospitalization, unemployment, disability or family leave. Accordingly, upon occurrence of such a specified event the cardholder sends notification of the event to the administrator of the program. Bachman col. 14, ll. 16-22. The administrator verifies that the event is valid and notifies the credit protector system. Bachman col. 14, ll. 22-34. The credit protector system causes the cardholder's account to show a payment due of zero and ensures that no further credit is extended to the cardholder. Bachman col. 14 ll. 35-43. Should the event not be verified, the cardholder is notified and credit bureaus are notified if the cardholder is not in good standing. Bachman col. 14, ll. 43-57.

Bachman does not disclose a system for negotiating with a cardholder that is delinquent on a credit account. Bachman is not directed to collection of debt. To the contrary, the Bachman system is designed to prevent an account from becoming delinquent.

Thus, a benefit of the present invention is that the cardmember does not need to worry about paying the account during the time of benefit activation. Additionally, the activation protects the customer's credit rating on the credit card because during the time of activation of the benefit, no negative information is reported to any credit bureau about the customer; thus, from the credit bureau standpoint, *the customer remains in good standing*.

Bachman, col. 2, ll. 21-29 (emphasis added). Bachman recognizes that debt collection is a different process.

Accounts that are in the financial institution's collections queue after deferment are worked by collections customer service representatives of the financial institution and are evaluated. Dispute issues are handled manually.

Bachman, col. 13, l. 66 - col. 14, l. 2. The Bachman system is not related to providing negotiation advice to customer service representatives regarding alternative payment options. Bachman recognizes that collections is a separate process and notes that disputes are handled manually. There is no teaching that customers who activate the deferment provided by the Bachman system are delinquent.

Bachman does not disclose any negotiation advice. The Office action relies on the verification of the specified event to show negotiation advice. Office action, p. 3 ("Bachman further teaches that these activities must be verified by the administrator's customer service representative being in communication with the cardmember.") The administrator's customer service representative simply "attempts to verify the unemployment, disability, hospitalization or family leave by telephone, if possible." Bachman, col. 10, l. 67 - col. 11, l. 1. Bachman includes no teaching that this verification procedure includes negotiation. Bachman includes no teaching that a customer service representative is provided with any advice during the verification procedure.

Bachman does not disclose any alternative payment options. Upon the customer activating the benefit in Bachman, either the specified event is verified or it is not. If verified, the account is frozen and payment requirements are deferred. If not verified, the deferment is not activated. Bachman, col. 14, ll. 16-58. No alternative payment options are disclosed by Bachman.

In the Office action, it is recognized that "Bachman does not explicitly details [sic] the process of generating a [sic] negotiation advice in response to the selection of answers to one or more questions that most closely correspond to a particular financial situation, the advice related to alternative payment options most suitable to the particular financial situation and displayed on the display." The Office action asserts that Spirer "discloses obtaining financial situations of a cardmember, and provides a recommendation of dealing with the cardmember or customer's debt." The Office action overstates the teaching of Spirer. Spirer is a

three-page article that notes, “creditors must implement new strategies that address fundamental market shifts and stem rising losses.” Spirer at 3. Spirer notes a few strategies that may be used in different situations. However, Spirer does not set forth any system or method to choose between strategies and does not address how to provide any recommendations to customer service representatives negotiating with delinquent cardholders.

In the Office action, it is asserted, “It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Lee Spirer into the system of Bachman in order to easily generate different alternative payment options most suitable to a particular financial situation of a cardmember or customer because different cardmembers may become delinquent for different reasons such as being unemployed or hospitalized.” Office action, p. 4. The Office action points to no suggestion or motivation in the prior art to combine the teachings of Bachman and Spirer. Bachman is not directed to addressing delinquent accounts. Bachman teaches a system of deferring payments to prevent an account from becoming delinquent should any of a number of different specified events occur. There is no suggestion that any teaching in the Spirer article, directed to changes in the credit card collection industry, is applicable to the Bachman system.

The suggested combination of Bachman and Spirer does not show each limitation of the claimed invention. Neither Bachman nor Spirer teaches a system for selecting among different alternative payment options most suitable to a particular financial situation. Accordingly, one of ordinary skill in the art would not combine the teaching of Bachman and Spirer “in order to easily generate different alternative payment options” as asserted in the Office action.

The Office action further recognizes, “The combination of Bachman and Spirer does not explicitly teach a first graphical user interface (GUI) displayed on the display on the computer, the first GUI comprising one or more descriptive icons, the descriptive icons representing one or more financial situations.” Office action, p. 4. The Office action asserts, “It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bachman with Lee Spirer to include these well known features therein with the motivation of providing users with instant access of descriptive buttons and when clicking those buttons, obtaining instant access of associated data would be displayed, thus providing users with the ease of using the system.” Office action, p. 4. There is no support for this assertion provided in the

Office action. The use of the term “these well know features” is unclear in the Office action. The Office action provides no support for the proposition that a first GUI comprising descriptive icons representing one or more financial situations is a well known feature. To the contrary, the Office action cites to no prior art showing such a feature.

Applicants respectfully submit that for the above reasons the applied combination of Bachman in view of Spirer is improper. The applied combination does not show or suggest each limitation of the claimed invention for the reasons set forth below.

1) Independent Claim 1 and Claims Depending Therefrom

Independent claim 1 sets forth a system for including a first graphical user interface (GUI) comprising one or more descriptive icons, the descriptive icons representing one or more financial situations. A second GUI is displayed on the display of a computer based on selection of one of the descriptive icons. The second GUI comprises questions related to strategies for addressing the financial situation represented by the selected icon of the first GUI. A processor is operative to generate negotiation advice in response to selected answers to the questions in the second GUI. The negotiation advice relates to alternative payment options for a financial situation corresponding to the selected answers. Bachman fails to show or suggest at least these limitations of amended claim 1.

Bachman in view of Spirer fails to show or suggest a first graphical user interface (GUI) displayed on a computer including descriptive icons, where the descriptive icons represent one or more financial situations as set forth in claim 1. As discussed above, the Office action acknowledges that Bachman in view of Spirer does not teach such a first graphical user interface. The Office action asserts that providing users with descriptive button would have been obvious to one of ordinary skill in the art. The Office action, however, identifies no suggestion to modify the teaching Bachman to include descriptive icons *representing one or more financial situations* as set forth by claim 1.

Bachman in view of Spirer does not show or suggest a second GUI displayed based on selection of one of the descriptive icons. The Office action does not address the second GUI set forth in claim 1. As the Office action does not show that the applied references show or suggest each limitation of claim 1, a *prima facie* case of obviousness has not been established.

Bachman in view of Spirer does not show or suggest a GUI comprising one or more questions related to strategies for addressing the financial situation represented by the selected descriptive icon. The Office action does not address this limitation of claim 1. The Office action broadly asserts that Spirer “discloses obtaining financial situations of a cardmember.” The Office action provides no support or context for this assertion. Spirer expects that financial institutions will collect appropriate data regarding their customers.

Today, creditors are experimenting with a variety of modeling techniques, such as traditional credit scoring, cluster analysis of debtors with similar behavior, results-based segmentation, and regression and other non-linear modeling. These require appropriate data-information concerning a customer’s debt on other cards, as well as previous actions taken and the customer’s responses and behavior while current and delinquent.

Spirer, p. 2. Spirer does not address providing customer service representative with negotiation advice. Spirer suggests no questions related to strategies for addressing a particular financial situation.

Bachman in view of Spirer does not show or suggest any negotiation advice. The Office action summarizes Bachman’s deferment system noting that the administrator’s customer service representative is in communication with cardmember during verification of a specified event triggering deferment. Based on this summary, the Office action concludes, “Bachman discloses a system for providing negotiation advice to a customer service representative.” Office action, p. 3. The disclosure of Bachman does not support the conclusion in the Office action. There is no teaching in Bachman that any customer service representative negotiates with a customer. Bachman does not teach or suggest negotiation advice.

Moreover, claim 1 sets forth that the advice is related to alternative payment options most suitable to the particular financial situation. The Office action acknowledges that Bachman does not teach generating such negotiation advice. Office action, p. 3. The Office action asserts, “Lee Spirer also discloses providing various types of alternative payment options to the delinquent cardmember or customer.” Office action, p. 4. Spirer includes no such disclosure. Spirer states the proposition that collection practices should be adjusted based on cardholder behavior. Spirer identifies a few high-level potential behavioral segments and suggests strategies to address these segments. Spirer does not suggest providing various types of alternative payment options to a delinquent cardmember as asserted in the Office action. Spirer

does not show or suggest generating negotiation advice. Spirer does not suggest modifying Bachman to generate negotiation advice related to alternative payment options.

Applicants respectfully submit that for at least the above reasons Bachman in view of Spirer fails to show or suggest each limitation of claim 1. The Office action does not establish a *prima facie* case of obviousness against claim 1. Accordingly, applicants request that the rejection of claim 1 as being unpatentable over Bachman in view of Spirer be withdrawn.

Claims 2-7 depend from claim 1 and accordingly include all the limitations of claim 1. Claims 2-7 are thus patentable over Bachman in view of Spirer for at least the reasons discussed above with respect to claim 1.

In addition, claim 3 as amended sets forth that the negotiation advice includes advice for interacting with an individual in the particular financial situation determined by the selections made from the first and second GUIs set forth in claim 1. Bachman is not directed to negotiating with delinquent individuals. Rather, Bachman provides a system to avoid delinquency during certain defined situations. Spirer is not directed to negotiating with delinquent individuals. Rather, Spirer notes that financial institutions are implementing a variety of new collections strategies based on behavioral data of cardmembers. Accordingly, there is no suggestion in Bachman or Spirer of negotiation advice for interacting with an individual in a particular financial situation. The Office action cites without explanation to column 10, line 52 to column 11, line 11 of Bachman and to page 3 of Spirer. The cited passage of Bachman is directed to the activation of deferment status based on verification of a specified event. A customer service representative verifies the occurrence of the specified event by telephone. Bachman includes no teaching or suggestion that the customer service representative negotiates with the customer. Bachman includes no teaching or suggestion that the customer service representative is provided with any advice for interacting with the customer. The cited page of Spirer asserts, "creditors must implement new strategies that address fundamental market shifts." Spirer does not teach details regarding how creditors must implement different strategies. Spirer merely identifies a number of strategies that are being implemented. Spirer does not teach or suggest any advice for interacting with an individual.

Claim 4 sets forth that the second GUI displays predetermined answers to the questions. The Office action acknowledges that a second GUI for displaying questions is not explicitly detailed in the combination of Bachman and Spirer. Office action, p. 5. The Office

action asserts, "Having a second GUI displaying predetermined answers to the one or more questions from a panel would have been obvious to one of ordinary skill in the art to include in the combination of Bachman and Spirer in order to provide users with an instant view glance of related questions and answers for selection purposes." The Office action provides no support for this conclusion. No such teaching is found in the applied art. Neither Bachman nor Spirer suggest presenting questions and predetermined answers. There is thus no suggestion in the applied art to "provide users with an instant view glance of related questions and answers for selection purposes."

Claim 5 sets forth that the second GUI comprises a panel for displaying the advice and a panel for displaying the questions. As discussed above, Bachman in view of Spirer suggests no negotiation advice and no questions regarding related to strategies for addressing a financial situation. There is thus no suggestion of a GUI with a panel for displaying advice and a panel for displaying the questions as set forth by claim 5.

Claim 6 sets forth that the second GUI comprises buttons for selecting the answers. Neither Bachman nor Spirer questions a user regarding the details of a financial situation. Accordingly, there is no suggestion to include buttons for selecting answers in either Bachman or Spirer.

Claim 7 sets forth that the second GUI comprises means for specifying the type of the advice generated by the system. The Office action identifies no means for specifying advice in the applied art. The Office action asserts, "Bachman discloses providing various scenarios which includes various types of advices [sic]." There is no support for this assertion. Bachman does not address various scenarios with various types of advice. To the contrary, Bachman provide one service, deferment, upon the occurrence of various specified events.

For at least the above reasons, applicants respectfully request that the rejections of claims 2-7 be withdrawn.

2) Independent Claim 8 and Claims Dependent Therefrom

Independent claim 8 as amended sets forth a method of providing negotiation advice. Claim 8 includes the step of retrieving strategy data in response to the selection of a descriptive icon, where the strategy data address the financial situation represented by the selected icon. Claim 8 includes the step of displaying a second GUI, where questions

corresponding to the strategy data are displayed as part of the second GUI. Claim 8 includes the step of retrieving negotiation advice data related to the selected answers to the questions that correspond to a particular economic situation. Claim 8 includes the step of displaying negotiation advice related to alternative payment options most suitable to the particular economic situation. Bachman in view of Spirer fails to show or suggest at least these steps of claim 8. The Office action does not address the specific claim limitations of claim 8. The Office action does not establish a *prima facie* case of obviousness against claim 8.

Bachman in view of Spirer fails to show or suggest a step of retrieving strategy data in response to the selection of a descriptive icon. The Office action is silent regarding where the applied art suggests retrieving strategy data. Neither Bachman nor Spirer show or suggest strategy data.

Bachman in view of Spirer fails to show or suggest a step of displaying a second GUI, where one or more question corresponding to the strategy data are displayed. The Office action does not address the second GUI of claim 8 and does not address displaying questions corresponding to strategy data. There is no showing that Bachman in view of Spirer shows or suggests a second GUI as set forth in claim 8.

Bachman in view of Spirer fails to show or suggest a step of retrieving negotiation advice and a step of displaying negotiation advice. As discussed above, neither Bachman nor Spirer addresses negotiating with a delinquent individual. Neither Bachman nor Spirer show or suggest retrieving negotiation advice or displaying negotiation advice. Furthermore, claim 8 sets forth that the negotiation advice is related to alternative payment options. As discussed above, neither Bachman nor Spirer address alternative payment options for a delinquent individual. Neither Bachman nor Spirer show or suggest negotiation advice related to alternative payment options.

The Office action does not establish a *prima facie* case of obviousness against claim 8. Applicants respectfully request that for at least the above reasons the rejection of claim 8 as being unpatentable over Bachman in view of Spirer be withdrawn.

Claims 9 and 10 depend from claim 8 and accordingly include all the limitations of claim 8. Claims 9 and 10 are thus patentable over Bachman in view of Spirer for at least the reasons discussed above with respect to claim 8.

In addition, claim 9 sets forth that the negotiation advice includes advice for interacting with an individual. As discussed above with respect to claim 3, Bachman and Spirer do not address negotiation strategies. Neither Bachman nor Spirer show or suggest negotiation advice for interacting with an individual.

Claim 10 sets forth the step of displaying multiple answers to each of the questions. The Office action does not address a step of displaying multiple answers to questions. Neither Bachman nor Spirer show or suggest displaying multiple answers to questions.

Applicants respectfully request for at least the above reasons that the rejections of claims 9 and 10 be withdrawn.

3) Independent Claim 11 and Claim Dependent Therefrom

Claim 11 sets forth a method for negotiating. Claim 11 includes the step of classifying the individual's economic situation by selecting a descriptive icon representing a financial situation displayed on a first GUI. Claim 11 includes the step of ascertaining further circumstances of an individual's economic situation related to questions displayed in a second GUI. Claim 11 includes the step of inputting answers to the questions. Claim 11 includes the step of receiving negotiation advice related alternative payment options most suitable to the individual's economic situation. Bachman in view of Spirer fails to show or suggest at least these steps of claim 11. Accordingly, applicants request that the rejection of claim 11 be withdrawn.

As discussed above, neither Bachman nor Spirer are directed to a method for negotiating. Neither applied reference address negotiation.

Bachman in view of Spirer fails to show or suggest a step of classifying an individual's economic situation by selecting a descriptive icon. As discussed above, the Bachman system determines whether or not an event has occurred that is required to activate deferment. There is no need or suggestion in Bachman to choose a category corresponding to a customer's economic situation. Bachman thus fails to show or suggest a step of classifying an individual's economic situation as set forth by amended claim 11. Spirer notes that creditors must implement new strategies that address fundamental market shifts. Spirer identifies high-level potential behavioral segments and suggests broad strategies for the segments. Spirer does

not address how to negotiate with an individual. Spirer does not suggest a step of classifying an individual's economic situation.

Bachman in view of Spirer fails to show or suggest a step of ascertaining further circumstances of an individual's economic situation related to questions displayed on a second GUI as set forth by claim 11. The Office action is silent regarding this step. Neither Bachman nor Spirer ascertains circumstance of an individual's economic situation related to questions displayed on a GUI.

Bachman in view of Spirer fails to show or suggest a step of inputting answers to said questions. The Office action is silent regarding a step of inputting answers to questions.

Bachman in view of Spirer fails to show or suggest a step of receiving negotiation advice. As discussed above, neither Bachman nor Spirer addresses negotiating with a delinquent individual. Furthermore, claim 11 sets forth that the negotiation advice is related to alternative payment options. As discussed above, neither Bachman nor Spirer address alternative payment options for a delinquent individual. Neither Bachman nor Spirer show or suggest negotiation advice related to alternative payment options.

The Office action fails to establish a *prima facie* case of obviousness against claim 11. Applicants respectfully request that for at least the above reasons the rejection of claim 11 as amended as being unpatentable over Bachman in view of Spirer be withdrawn.

Claim 12 depends from claim 11 and accordingly includes all the limitations of amended claim 11. Claim 12 is thus patentable over Bachman for at least the reasons discussed above with respect to claim 11. Claim 12 sets forth specifying the type of negotiation advice provided. As discussed above, Bachman and Spirer provide no advice. Accordingly, Bachman in view of Spirer does not suggest specifying the type of advice. Applicants respectfully request for at least the above reasons that the rejection of claim 12 be withdrawn.

4) Independent Claim 13 and Claims Dependent Therefrom

Claim 13 sets forth a system for providing negotiation advice. Claim 13 sets forth a first GUI displaying descriptive icons each representing a general financial situation. Claim 13 further sets forth a second GUI displaying question related to strategies for addressing the general financial situation. The second GUI further displays negotiation advice related to

alternative payment options. Bachman in view of Spirer fails to show or suggest at least these elements of claim 13 as amended.

Bachman in view of Spirer fails to show or suggest a first graphical user interface. As set forth by claim 13, the first GUI displays descriptive icons representing general financial situations. As discussed above, there is no suggestion in Bachman or Spirer to present various classes of financial situations for a user to choose between. The Bachman system merely verifies that an event has occurred and activates deferment if the verification is positive. There is no need or suggestion in Bachman of a GUI including descriptive icons representing financial situations because a user of the Bachman system does not choose between financial situations.

Bachman in view of Spirer fails to show or suggest a second GUI displaying questions related to strategies for addressing a general financial situation and negotiation advice related to alternative payment options. The Office action asserts, "Lee Spirer discloses providing questions/answers and alternative payment options to a delinquent customer." Office action, p. 5. This assertion is incorrect. There is no teaching in Spirer directed to negotiation with an individual delinquent customer. Spirer does not disclose providing questions/answers as asserted in the Office action. Spirer does not suggest providing alternative payment options to one delinquent customer. Bachman in view of Spirer fails to suggest displaying questions related to strategies for addressing a general financial situation. Bachman in view of Spirer fails to suggest displaying negotiation advice related to alternative payment options.

The Office action fails to establish a *prima facie* case of obviousness against claim 13. Applicants respectfully request that, for at least the above reasons, the rejection of claim 13 as being unpatentable in view of Bachman be withdrawn.

Claims 14 and 15 depend from claim 13 and accordingly include all the limitations of amended claim 13. Claims 14 and 15 are thus patentable over Bachman for at least the reasons discussed above with respect to claim 13.

In addition, proposed claim 14 sets forth that the negotiation advice includes advice for interacting with an individual. As discussed above with respect to claim 3, Bachman in view of Spirer does not address negotiation strategies.

Claim 15 sets forth that a selection of the type of advice displayed by the second GUI. The Office action is silent regarding claim 15. As discussed above, neither Bachman nor

Spirer provides advice. Accordingly, Bachman in view of Spier does not suggest a selection of the type of advice displayed.

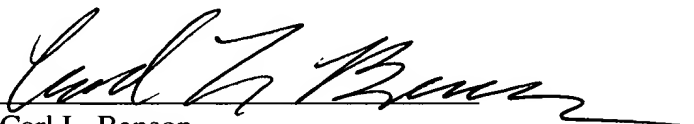
Applicants respectfully request for at least the above reasons that the rejections of claims 14 and 15 be withdrawn.

II. CONCLUSION

Applicants respectfully submit that the rejections of the pending claims as being unpatentable over Bachman in view of Spirer should be withdrawn for the reasons set forth above. Applicants' claimed invention and the Bachman system are very different. The Bachman system only functions as a system for debt deferment. The Bachman system is not a system for providing negotiation advice. The Bachman system does not disclose two levels of gathering information to define a financial situation of a delinquent individual. Accordingly, Bachman does not suggest two different interfaces as set forth in the amended claims. Spirer is an article that sets forth no details regarding any system or method. Spirer notes that creditors must implement now strategies that address fundamental market shifts. Spirer does not disclose obtaining information on a delinquent individual. Spirer does not suggest providing negotiation advice for interacting with a delinquent individual. Furthermore, as it is acknowledged that Bachman and Spirer do not teach the use of graphical user interfaces, there can be no motivation to modify Bachman to include the claimed configurations of graphical user interfaces and icons. For at least these reasons, applicants submit that the pending claims are patentable over Bachman in view of Spirer. Applicants respectfully request reconsideration and early allowance of this application.

Respectfully submitted,

HUNTON & WILLIAMS

By: 
Carl L. Benson
Registration No. 38,378

Dated: June 17, 2005

Hunton & Williams
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)